

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

1. Don Keenan,

Plaintiff,

v.

2. The State of Oklahoma and
3. Todd Russ, in his capacity as the
Treasurer of the State of Oklahoma

Defendants.

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Case No. 23-CV-1121-D

(Removed from Oklahoma County
Case No. CV-2023-2762)

PLAINTIFF’S MOTION FOR EXPEDITED BRIEFING SCHEDULE

Plaintiff, Don Keenan (“Mr. Keenan”), hereby moves for an order expediting any response brief or reply brief on Mr. Keenan’s *Motion for Remand* pursuant to LCvR7.1(g).

In support of the same, Mr. Keenan states as follows:

1. Mr. Keenan filed this action on November 20, 2023, in the District Court of Oklahoma County seeking to declare “The Energy Discrimination Elimination Act of 2022,” Okla. Stat. tit. 74, § 12001 *et seq.* (the “Act”) unconstitutional and enjoining the same.

2. Contemporaneous with the filing of the action, Mr. Keenan filed his *Motion for Temporary Restraining Order and/or Motion for Temporary Injunction* and the same was set for hearing on December 1, 2023, at 1:30 p.m. Mr. Keenan’s *Motion for Temporary Restraining Order and/or Motion for Temporary Injunction* was and is premised, in part, on the illegal expenditure of tens of millions of taxpayer dollars in the state of Oklahoma.

3. On November 29, 2023, two days before the originally scheduled temporary restraining order hearing, counsel for Defendant¹ sought an emergency hearing to obtain a continuance. At no point during the hearing did Defendant² give any indication he would seek removal to federal court or do anything other than appear at a resetting of the hearing.³ Consequently, the same was reset for December 15, 2023, at 10:00 a.m.

4. Mr. Keenan sought to ensure that Defendant would appear at the TRO hearing on December 15th. Accordingly, Mr. Keenan sought confirmation from Defendant's counsel that Defendant would in fact appear at the scheduled hearing, and on December 1, 2023, Defendant's counsel responded: "***I confirm my agreement to have Treasurer Russ at the hearing on the 15th.***" (Emphasis supplied.)

5. In spite of Defendant's representation that he would be at the hearing on the 15th, Defendant instead filed his *Notice of Removal* on December 8, 2023 – clearly to avoid the hearing.

6. Consequently, this case now involves an elected official, Defendant, enforcing an unconstitutional law, which constitutes "irreparable harm" to Mr. Keenan, and all the while, Defendant is avoiding the courthouse steps. This cannot be permitted.

7. Therefore, in order to avoid further negative economic consequences to the State of Oklahoma – and its taxpayers – this Court should enter an expedited briefing

¹ Counsel for the State was present as well.

² Nor did counsel for the State give any contrary indication.

³ Mr. Keenan's counsel has ordered a transcript of these proceedings and will supplement the same if necessary. However, due to the time sensitive nature of the issues presented, the transcript is not ready as of this filing.

schedule on Mr. Keenan's *Motion for Remand* so that an injunction hearing before the appropriate judicial body may be had as soon as practical.

WHEREFORE, Plaintiff, Don Keenan, prays that this Court enter an expedited briefing schedule in this matter so that Mr. Keenan's constitutional rights may be vindicated. Mr. Keenan further prays for any and all other relief to which he may be entitled by law or equity, including an award of attorney fees and costs.

Respectfully submitted,

By: /s/ Collin R. Walke
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2023, a true and correct copy of the foregoing document was served upon Defendants' counsel by the Western District of Oklahoma ECF System.

/s/ Collin R. Walke
COLLIN R. WALKE